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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,550	07/27/2000	David C. McClure	28940-55USPT	9694

7590 08/21/2003

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EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT PAPER NUMBER

2836

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,550

Applicant(s)

MCCLURE ET AL.

Examiner

Roberto J Rios

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 33-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 33-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33, 34, 36-38, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Townsend et al (US patent 4,713,553).

As per claims 33 and 37, Townsend teaches a system and a method for preventing loss of data from a volatile memory device, the method comprising: establishing a first voltage level trip point by which to switch from a primary power source to a secondary power source; establishing a second voltage level trip point, below the first voltage level trip point, by which to switch from the primary power source to the secondary power source; and in response to a supply level of the primary power source dropping below the first and second voltage level trip points, switching from the primary power source to the secondary power source to maintain power to the volatile memory device (col. 5, line 45- col. 8, line 33; Figure 3).

As per claims 34 and 38, Townsend teaches providing temperature stabilization to the threshold detecting circuitry (col. 8, line 22).

As per claims 36 and 40, Townsend teaches the third electronic circuit being operable to switch from the primary power source to the secondary power source

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without an indication from the first electronic circuit that the supply level has dropped below the first voltage level trip point (col. 5, line 11).

As per claim 41, Townsend teaches the second electronic circuit being operable to detect the transitioning of the supply level of the primary power source at a faster rate than a rate of transition than the first electronic circuit is capable of detecting (claim 12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend in view of Uskali (US patent 5,717,936).

As per claims 35 and 39, Townsend teaches establishing a first voltage level trip but does not specifically disclose disabling an electrical component. However, Uskali teaches establishing a voltage level trip, wherein said establishing also includes disabling an electrical component (col. 4, line 25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Townsend with the teachings of Uskali such that establishing a first voltage level trip includes disabling an electrical component for the purpose of saving backup supply power.

Allowable Subject Matter

5. Claims 1-23 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

Applicant's amendments to claims 9 and 16 incorporate the allowable features indicated on claims 1 and 14 in the last office action. Additionally, applicant's amendments to claim 1 overcame the objection indicated in the last office action.

7. Art of general nature has been cited for applicant's review.

Response to Arguments

8. Applicant's arguments regarding claims 33 and 37 filed on 07/27/2000 have been fully considered but they are not persuasive.

Applicant argues that none of the art of record teaches or suggests utilizing two voltage level trip points for use in switching "*from the primary to secondary trip points*". It is believed that applicant meant "from the primary to secondary power source". Moreover, Townsend teaches utilizing two voltage level trip points for use in switching from the primary to secondary power source (claim 1).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication with PTO

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.



Roberto J. Rios
Patent Examiner